

BEFORE THE BOARD OF ARCHITECTS AND LANDSCAPE ARCHITECTS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the proposed amendment) NOTICE OF PUBLIC HEARING
of ARM 24.114.401 fee schedule and) ON PROPOSED AMENDMENT
24.114.501 examination)

TO: All Concerned Persons

1. On February 11, 2008, at 10:00 a.m., a public hearing will be held in room 439, 301 South Park Avenue, Helena, Montana to consider the proposed amendment of the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Architects and Landscape Architects (board) no later than 5:00 p.m., on February 4, 2008, to advise us of the nature of the accommodation that you need. Please contact Brooke Jasmin, Board of Architects and Landscape Architects, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2351; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 841-2309; e-mail dlibsduc@mt.gov.

3. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

24.114.401 FEE SCHEDULE (1) through (1)(b) remain the same.
(c) Original license fee (~~prorated for licensure in midrenewal year~~) 80
(2) and (3) remain the same.

AUTH: 37-1-131, 37-1-134, 37-65-204, MCA
IMP: 37-1-134, 37-1-141, 37-65-307, MCA

REASON: The board determined that it is reasonable and necessary to amend this rule and eliminate the prorating of licensure fees. The board notes that the board staff processes applications in the same manner and involving the same amount of time and effort regardless of when an application is submitted. There is no cost savings to the board or the department to process an application midyear. The amendment will reduce applicant confusion and the additional work for staff to issue refunds or obtain correct fees from applicants. Based on the 105 applicants that paid the \$40 prorated fee between July 1, 2005 and June 30, 2006, the board estimates the change will affect approximately 100 applicants per year with a revenue increase of \$4000.

24.114.501 EXAMINATION (1) ~~Applicants for licensure in Montana shall pass~~ Eligibility for admission to the Architectural Registration Examination (ARE).

~~To be admitted to the ARE, applicants shall complete the education and training requirements and obtain a council record.~~

~~(a) Eligibility requirements must be verified by the council NCARB record and satisfied in accordance with the NCARB requirements handbook for interns and architects. The handbook is available from NCARB or the board office and is adopted and incorporated herein by reference requirements are available at www.ncarb.org.~~

~~(2) Applicants for the ARE must shall either:~~

~~(a) be enrolled in the Intern Development Program (IDP) by establishing a NCARB record or have completed the IDP and obtained a NCARB record; and~~

~~(a)(b) hold a degree in architecture from a school of architecture, the degree curriculum of which was accredited by the National Architectural Accrediting Board (NAAB) not later than two years after graduation; or~~

~~(b)(c) meet the alternate education criteria outlined in [available on the NCARB handbook web site](#).~~

~~(3) Prior to application for licensure applicants shall: Applicants shall~~

~~(a) pass all sections of the ARE and request submittal to the board of all exam scores for every section of the exam passed.~~

~~(a) Applicants shall be permitted to may retake any section or all sections of the examination that the applicant failed to pass; and~~

~~(b) complete all IDP requirements and obtain a complete NCARB record.~~

~~(4) Examination records shall be are confidential and shall not be considered public records. Nothing herein shall prevent the The board from reporting may report applicants' scores to architectural registration boards in other jurisdictions or to NCARB.~~

AUTH: 37-1-131, 37-65-204, MCA

IMP: 37-1-131, ~~37-65-301~~, 37-65-303, MCA

REASON: It is reasonably necessary to amend this rule to align with changes at the national level. The National Council of Architects Registration Board (NCARB) no longer requires completion of the Intern Development Program (IDP) prior to taking the Architecture Registration Examinations (ARE). The amendment will allow Montana candidates to begin taking the ARE while working on their IDP requirements and comports with changes in ARE eligibility already adopted in several states. Applicants that have passed all sections of the ARE will still be required to complete the IDP to obtain licensure in Montana. Because NCARB updates the handbook for interns and architects annually and it is available on their web site, the board is amending this rule to remove the handbook reference and refer interested parties to the NCARB web site for the most current information. Implementation cites are being amended to accurately reflect all statutes implemented through the rule.

4. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Architects and Landscape Architects, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-

2309, or by e-mail to dlibsduc@mt.gov, and must be received no later than 5:00 p.m., February 19, 2008.

5. An electronic copy of this Notice of Public Hearing is available through the department and board's site on the World Wide Web at www.architect.mt.gov. The department strives to make the electronic copy of this Notice conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

6. The Board of Architects and Landscape Architects maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies the person wishes to receive notices regarding all Board of Architects and Landscape Architects administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Board of Architects and Landscape Architects, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2309, e-mailed to dlibsduc@mt.gov, or made by completing a request form at any rules hearing held by the agency.

7. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

8. Pat Bik, attorney, has been designated to preside over and conduct this hearing.

BOARD OF ARCHITECTS AND
LANDSCAPE ARCHITECTS
BAYLISS WARD, PRESIDENT

/s/ DARCEE L. MOE
Darcee L. Moe
Alternate Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State January 7, 2008